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To: Media

From: Patricia Perlow, District Attorney

Date: April 2, 2019

RE: IDFIT Investigation – EPD Officer Blackwell 3/13/2019

I have reviewed the reports and evidence, including the in-car video of the two involved patrol cars, and determined the use of deadly force by Eugene Police Officer Lucas Blackwell was lawful.

Background: Officer Blackwell observed two men on bikes with masks riding around the area he is assigned to patrol (West University/Downtown) during the hour between 3:00 and 4:00 a.m. Officer Blackwell communicated his observations with Officer Tyler Tremein.

Just before 4:00 a.m., Officer Tremein radioed that he was out with two subjects who were later identified as Eli Jacob Perini and Scott Wayne Saddler near 15th and Pearl. The contact was based upon a pedestrian violation. Perini was uncooperative and became combative. Saddler took off running and Officer Tremein took chase after Saddler. Officer Tremein reported the fight and chase on his radio.

Officer Blackwell arrived to assist Officer Tremein. As Officer Blackwell was pulling up toward Officer Tremein's patrol vehicle, parked on 15th Ave., Eli Perini threw something in front of Officer Blackwell's patrol vehicle at the ground (this object was later determined to be a jacket). Officer Blackwell stopped his vehicle immediately. The move to delay Officer Blackwell's approach allowed Perini time to get to Officer Tremein's patrol car ahead of Officer Blackwell. Perini opened the vehicle door, jumped into the vehicle and locked the doors. Officer Blackwell grabbed at the driver door as Perini put the patrol car into drive and took off eastbound on 15th Ave. Officer Blackwell gave commands to Perini, including that he would shoot if Perini did not stop before Perini took off. Officer Blackwell fired six rounds from his Glock 17 9mm into the patrol vehicle, striking the vehicle at the driver's side rear passenger window, behind the driver's door, the driver side rear light assembly, the driver side rear bumper, the driver's side rear tire and a glancing strike at the furthest rear driver's side passenger window. Perini drove the vehicle with the overhead lights activated to High Street, where he turned south (the opposite direction of legal travel on High Street) and stopped the vehicle just south of 15th Ave. He fled from the vehicle on foot and was later captured with the help of a SPD canine near 16th Ave. and High St. after a brief struggle.

Investigation: IDFIT was activated at the request of EPD. The neighborhood was canvassed. Residents on 15th Ave. reporting hearing Officer Blackwell's commands to Perini and that he was going to shoot prior to hearing shots fired.

Officer Blackwell was interviewed. At the time he arrived to assist Officer Tremein, he thought Officer Tremein was with the two subjects Officer Blackwell had observed earlier. When Officer Blackwell and Officer Tremein had been communicating about the subjects, it was on a radio channel used for internal communication that will not disrupt other radio traffic. Officer Blackwell's radio was still on that channel when he exited his patrol vehicle. He did not know where Officer Tremein was, and his last communication from Officer Tremein was on the main radio channel in his patrol vehicle that Officer Tremein was fighting with one and then in a chase with the other. When Officer Blackwell was driving toward Officer Tremein's vehicle, he observed Perini was agitated, yelling and screaming but incoherent and had something in his hands that he threw in front of Officer Blackwell's vehicle. Officer Blackwell stopped his vehicle, got out and ran toward Officer Tremein's vehicle. When Officer Blackwell arrived at Officer Tremain's patrol vehicle, he could see the subject reaching toward the console area of the locked vehicle. Officer Blackwell knew that there were weapons in the vehicle, but did not know whether they were in the passenger compartment or the trunk and did not know if Officer Tremain had a backup duty weapon in the vehicle. Officer Blackwell reported that Perini was turning the steering wheel toward him and he was in fear of being struck by the vehicle prior to using deadly force.

Officer Blackwell's body worn camera did not activate. Both patrol vehicles were equipped with in-car video that did capture the events. From Officer Tremein's patrol ICV, the vehicle was heading left before straightening out down the street. Officer Blackwell can be heard giving commands prior to firing his weapon and Perini can be heard yelling, "Fuck you" repeatedly. The six shots were fired in about 1.5 seconds, six seconds after Perini entered the vehicle. The time from Perini getting into the patrol vehicle until the time he drove off at high speed was less than nine seconds.

Perini was interviewed. He said he "panicked" and wanted to get out of there. He acknowledged having used methamphetamine the night before. He denied trying to run the officer over but the adrenaline had kicked in and he was in fight or flight mode.

Video evidence shows Perini throw a coat in front of Officer Blackwell's patrol vehicle. Officer Blackwell immediately stopped the vehicle and exited, running toward Officer Tremein's patrol vehicle. Perini arrived at Tremein's vehicle and jumped inside ahead of Officer Blackwell arriving at the vehicle. Officer Blackwell can be seen attempting to get into the vehicle as the vehicle begins moving. Officer Blackwell can be heard making oral commands to Perini as Perini is yelling back. Officer Blackwell fired six rounds at the vehicle as it was driving away. Perini continued to yell. The view from Tremein's ICV shows the vehicle correct from a leftward direction and continue to High St. where the vehicle stopped facing southbound with the lights activated.

ORS 161.239 defines the circumstances under which a police officer may use deadly force in making an arrest or preventing an escape. ORS 161.239(1)(c) provides that an officer may

use deadly physical force regardless of the particular offense which is the subject of the arrest or attempted escape, if it is necessary to defend the peace officer or another person from the use or threatened use of deadly physical force. ORS 161.239(1)(d) provides that an officer may use deadly physical force when the crime committed by the person was a felony and under the totality of the circumstances existing at the time and place, the use of such force is necessary. I find that the use of deadly physical force by Officer Blackwell was lawful under both of those subsections of ORS 161.239. Perini stole a patrol vehicle with all of the equipment it contained (including at least one firearm) and drove away at high speed with the lights still activated, subsequently running a stop sign and turning onto a one way street the wrong way, putting Officer Blackwell and the community at great risk of death or serious physical injury. It is only by luck that no one was injured or killed.

cc: Sgt. Ryan Martin
 Sgt. Ryan Lane
 Chief Chris Skinner
 Sr. DDA Erik Hasselman